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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2024

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)(PD)Nos.1027 and 1028 of 2020  
and  
C.M.P.(MD)No.6590 of 2020

C.Badrinarayanan

... Petitioner in both cases

vs.

1.M/s.Sel Jegat Printers (P) Limited,  
represented by its Managing Director,  
S.Jagatheesan, Sivakasi Town.

2.M/s.Sel Jegat Modern Foils Embassers,  
represented by its Partner, S.Jegatheesan,  
Sivakasi Town. ...Respondents in both cases

PRAYER in C.R.P.(MD)No.1027 of 2020: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decreetal order passed by the Principal District Court, Viruthunagar at Srivilliputhur in Unnumbered I.A.No. /2008 in O.S.No.165of 2008 dated 24.01.2020.



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PRAYER C.R.P.(MD)No.1028 of 2020: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decreetal order passed by the Principal District Court, Viruthunagar at Srivilliputhur in I.A.No.360 of 2009 in O.S.No.165 of 2008 dated 24.01.2020.

For Petitioner :Mr.V.K.Vijayaragavan  
For Respondents :Mr.S.Raja Jeyachandra Paul  
(in both cases)

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### **COMMON ORDER**

The present Civil Revision Petitions have been filed against the orders passed in unnumbered I.A. of 2008 in O.S.No.165 of 2008 and in I.A.No.360 of 2009 in O.S.No.165 of 2008 on the file of the Principal District Munsif, Virudhunagar at Srivilliputhur, dated 24.01.2020.

2.Heard Mr.V.K.Vijayaragavan, learned Counsel appearing for the petitioner and Mr.S.Raja Jeyachandra Paul, learned Counsel appearing for the respondents.



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3.The respondents are the plaintiffs in the suit in O.S.No.165 of 2008 on the file of the Principal District Munsif, Virudhunagar at Srivilliputhur. During the pendency of the suit, the Revision Petitioner/defendant had filed an application in I.A.No.360 of 2009 for rejecting the plaint on the ground of limitation. The petitioner/defendant had contended before the trial Court that the respondent had resigned on 23.08.2005 and the same was accepted by plaintiff.

4.However, the trial Court while considering the factual matrix of the case with regard to the filing of the suit, had noted that the limitation had commenced from 23.08.2008. On the side of the petitioner/defendant, the learned Counsel for the defendant had appeared before the trial Court on 20.04.2009 and had filed a written statement on 11.09.2013 and had marked Ex-B1 to Ex-B24. As the petitioner/defendant had failed to cross examine the plaintiffs' witnesses, an ex parte judgment was delivered the suit, against which, no appeal was filed. Recording the same, the said interlocutory application was dismissed. Challenging the same, C.R.P.(MD)No.1028 of 2020 has been filed.



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5. With regard to the unnumbered interlocutory application, the respondents/plaintiffs had filed the said application to pay the entire Court fee to the tune of Rs.1,84,826/-. The respondents though had filed an application under Section 151 CPC instead of 149 CPC and had sought 15 days time to make the deficit Court fee, had subsequently paid the entire Court fee before the trial Court. Hence, the trial Court had disposed of the said petition. Challenging the same, C.R.P.(MD)No.1027 of 2020 has been filed.

6. When the matters are taken up for hearing, the learned Counsel appearing for the respondents/plaintiffs submitted that in the suit, an *ex parte* decree was passed by the trial Court on 06.04.2015 and since the suit itself has come to an end, there is no necessary to pass further orders.

7. At this juncture, the learned Counsel appearing for the Revision Petitioner drew the attention of this Court that with reference to the date of resignation of the defendant which was noted by the trial Court, as 23.08.2005, but however, the suit was filed only on 05.03.2009. According to the petitioner, the impugned order refers certain dates, which are factually incorrect. This Court



need not go into those issues, as the suit itself has been decreed *ex parte*. Whether it is an *ex parte* or a final order, once an order is not under challenge, then the order becomes final and in view of the same, the Civil Revision Petitions are closed. No costs. Consequently, connected miscellaneous petition is closed.

**15.11.2024**

Internet :Yes/No  
NCC :Yes/No  
Index :Yes/No

To

The Principal District Judge, Viruthunagar at Srivilliputhur.



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**N.SENTHILKUMAR, J.**

cmr

Order made in  
C.R.P.(MD)(PD)Nos.1027 and 1028 of 2020

15.11.2024